

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

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U.S.C.A. #

U.S.D.C. #

JUDGE:

DATE:

Fifth

-v-

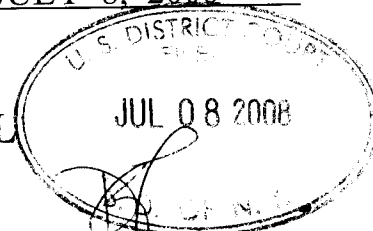
U.S.A.

08-cv-306

KMLW

JULY 8, 2008

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME):

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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 8TH Day of July, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Fifth
 -v-
U.S.A.

U.S.C.A. # _____
 U.S.D.C. # *08-cv-0306*
 JUDGE: *KMW*
 DATE: JULY 8, 2008


Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 8, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 8TH Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By 
 Deputy Clerk

APPEAL, CLOSED, HABEAS, PRO-SE, STAYED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-00306-KMW
Internal Use Only

Frith v. United States of America
Assigned to: Judge Kimba M. Wood
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 01/14/2008
Date Terminated: 05/30/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
01/14/2008	<u>1</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254. Document filed by Jerry Frith.(laq) (Entered: 01/23/2008)
01/14/2008		Magistrate Judge James C. Francis is so designated. (laq) (Entered: 01/23/2008)
01/14/2008	<u>2</u>	60 DAYS ORDER, Petitioner is directed to submit an affirmation within 60 days of this order. No answer shall be required at this time and all further proceedings shall be stayed until the petitioner has complied with this order, or until the time for doing so has expired. If the petitioner fails to comply with this order within 60 days of the date of this order, the instant petition will be dismissed as time-barred. If an affirmation is timely filed by petitioner, it shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, the petition shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. (Signed by Judge Kimba M. Wood on 1/14/08) (laq) (Entered: 01/23/2008)
01/31/2008	<u>3</u>	AFFIRMATION of Jerry Frith in response to the Court's order dated January 14, 2008. Document filed by Jerry Frith. (dj) (Entered: 02/06/2008)
03/26/2008	<u>4</u>	ORDER: No answer shall be required at this time and all further proceedings shall be stayed until the petitioner has complied with this order, or until the time for doing so has expired. If the petitioner fails to comply with this order within sixty (60) days, the instant petition will be dismissed as time-barred. If an affirmation is timely filed by petitioner, it shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, the petition shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. (Signed by Judge Kimba M. Wood on 3/26/08) (tro) (Entered: 03/27/2008)
04/08/2008	<u>5</u>	PETITIONER'S AFFIRMATION of Jerry Frith in response to the Court's order date March 26, 2008. Document filed by Jerry Frith. (jmi) (Entered: 04/09/2008)
05/30/2008	<u>6</u>	JUDGMENT in favor of United States of America against Jerry Frith that the petition is dismissed and a certificate of appeal will not issue. (Signed by Judge Kimba M. Wood on 5/30/08) (jf) (dt). (Entered: 06/02/2008)
05/30/2008	<u>7</u>	ORDER OF DISMISSAL: Accordingly, petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. 2254 is dismissed as time barred. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. The Court certifies that pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the instant order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 5/30/2008) (jpo) (Entered: 06/02/2008)
05/30/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Jerry Frith. (jab) (Entered: 06/03/2008)
06/13/2008	<u>8</u>	NOTICE OF APPEAL from 6 Judgment. Document filed by Jerry Frith. A copy of the Notice of Appeal mailed to attorney(s) of record: A.U.S.A. (nd) (Entered: 07/02/2008)
06/13/2008		Appeal Remark as to 8 Notice of Appeal filed by Jerry Frith. IFP REVOKED ON 5/30/2008; \$455.00 APPEAL FILING FEE DUE. (nd) (Entered: 07/02/2008)
07/02/2008		Transmission of Notice of Appeal to the District Judge re: 8 Notice of Appeal. (nd) (Entered: 07/02/2008)
07/02/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 8 Notice of Appeal. (nd) (Entered: 07/02/2008)